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Scale of assessments for the apportionment of the expenses of the United Nations

Letter dated 2 November 2006 from the Permanent Representative of Slovenia to the United Nations addressed to the Secretary-General

I am writing to you on behalf of the successor States of the Socialist Federal Republic of Yugoslavia which have decided to present the attached proposal for resolution of the issue of the unpaid assessed contributions of the former Yugoslavia (see annex). As we have already stated in our letters so far, the successor States consider that the report of the Secretary-General (A/60/140) does not present the correct analysis of the issue and the assessment of the unpaid contributions. However, we took note of the proposals contained in the above-mentioned report and, in the spirit of resolving the issue in a constructive and timely manner, propose to accept settlement along the lines of the principles put forward by the representative of Ghana at a meeting of the Fifth Committee in 2002.

With the intention of clarifying all the outstanding issues we, the Permanent Representatives of the successor States, which are all new Member States committed to United Nations principles and norms, have extensively discussed this issue, including with our financial experts and with officials of the Department of Management (i.e., the Under-Secretary-General, Controller and Chief of the Contributions Service) and of the Office of Legal Affairs. Our detailed review of the documentation pertaining to the issue of the unpaid assessed contributions of the former Yugoslavia, as made available by the Secretariat, proved that our previously expressed disagreement (i.e., the letters addressed to the Under-Secretary-General, Department of Management, dated 9 August 2005, and to the Secretary-General, dated 13 March 2006) with the report of the Secretary General (A/60/140) was well founded and needed.

It is the firm commitment of the successor States to seek and find a final solution with regard to the amount of the unpaid assessed contributions of the Socialist Federal Republic of Yugoslavia to the United Nations. The attached detailed proposal, drafted after our having reviewed the available documents submitted by the Secretariat, provides a calculation of the undisputable amount of

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the unpaid assessed contributions of the Socialist Federal Republic of Yugoslavia, based on the principles referred to above.

I would like to request that the Secretary-General circulate the present letter and its annex as a document of the Fifth Committee for discussion on the issue of the unpaid assessed contribution of the Socialist Federal Republic of Yugoslavia, under agenda item 122.

(*Signed*) Roman **Kirn**
Permanent Representative of the Republic of Slovenia
to the United Nations

06-60379

Annex to the letter dated 2 November 2006 from the Permanent Representative of Slovenia to the United Nations addressed to the Secretary-General

Proposal of the successor States of the Socialist Federal Republic of Yugoslavia for resolution of the issue of unpaid assessed contributions of the former Yugoslavia[1]

Summary

The successor states of the Socialist Federal Republic of Yugoslavia urge the UN member states to resolve the issue of unpaid assessed contributions based on the common position of the successor states according to the principles of general international law and today known facts that are the following:

- During 1991-1992, the Socialist Federal Republic of Yugoslavia, which was a founding member of the United Nations in 1945, underwent a process of dissolution and ceased to exist. (SC/RES/777/92 and UNGA/RES/47/1/92);
- It is known that on the following dates the successor states proclaimed their independence or proclaimed their new state: that is, for Slovenia: 25 June 1991; Macedonia: 17 September 1991; Croatia: 8 October 1991; Bosnia and Herzegovina: 6 March 1992; Federal Republic of Yugoslavia (Serbia and Montenegro): 27 April 1992;
- After the extensive review of all pertaining financial documentation to the account of SFRY the accurate unpaid assessed contributions amount to $784,545;
- Each of the successor states commit itself to remit the equitable proportion of the amount of the outstanding contributions of the SFRY in accordance with the proportions set forth and as agreed in the Agreement on Succession Issues (Vienna, 29 June 2001);
- Outstanding amount that exceeds the amount that could be considered outstanding by the successor states should be reversed in the books and records of the UN;
- The above resolution of the issue of unpaid assessed contributions of the Socialist Federal Republic of Yugoslavia would represent the final solution of this issue.

I. Introduction

1. During 1991-1992, the Socialist Federal Republic of Yugoslavia, which was a founding member of the United Nations in 1945, underwent a process of dissolution and five new successor states came into existence, subsequently all new members of United Nations. None of them is a successor to the seat of the SFRY at United Nations. Let us recall that this was noted also by the relevant organs of the United Nations with the following resolutions:

- The Security Council in its resolution 757 (1992) of 30 May 1992, imposed economic and diplomatic sanctions upon Federal Republic of Yugoslavia (FRY). Among others, Security Council noted that the claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted.

- The Security Council in its resolution 777 (1992) of 19 September 1992, considered that the state formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist and that the Federal Republic of Yugoslavia (later Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations. It therefore recommended to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it should not participate in the work of the Assembly.

[1] The term former Yugoslavia refers to the former Socialist Federal Republic of Yugoslavia.

- The General Assembly in its resolution 47/1 of 22 September 1992, followed the recommendations of the Security Council and considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations. It therefore decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it should not participate in the work of the Assembly.

- The Security Council in its resolution 821 (1993) of 28 April 1993, *inter alia*, recommended to the Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should not participate in the work of the Economic and Social Council. In its resolution 47/229 of 29 April 1993, the Assembly, *inter alia*, decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should not participate in the work of the Economic and Social Council.

2. The Assembly did not, however, take any action to formally terminate the membership of the former Yugoslavia in the United Nations at that time. It continued to include the former Yugoslavia in the scales of assessments that it adopted for the periods 1992-1994, 1995-1997 and 1998-2000, based on unique calculations of assessment where national income/gross national product data for Serbia and Montenegro was not taken into consideration, as the only criteria. Namely, as other successor states to the former Yugoslavia were admitted to the United Nations as new member states during the scale of assessment period 1992-1994 their initial rates of assessment were deducted from the rate of assessment initially assigned to former Yugoslavia for 1992-1994. Their assessments in their respective years of admission and subsequent payments were deducted from the assessment of the former Yugoslavia in those years.

3. From 27 April 1992, when the Federal Republic of Yugoslavia (renamed to Serbia and Montenegro in February 2003) came into existence, until 27 October 2000, when its President submitted to the Secretary-General an application for the admission of the Federal Republic of Yugoslavia to membership in the United Nations as a new member state, the Government of the Federal Republic of Yugoslavia claimed the right to continue the membership of the Socialist Federal Republic of Yugoslavia in the United Nations. However, such claim was never recognized by United Nations or its bodies and was repeatedly denied by the UN and opposed by other successor states of former Yugoslavia. Hence, it was wrongful for the UN to continue to make assessments for the former Yugoslavia, state that no longer existed.

4. The General Assembly in its resolution 55/12 of 1 November 2000, decided to admit the Federal Republic of Yugoslavia to membership in the United Nations. This resolution confirmed the Security Council resolution 777 (1992) by which FRY was not granted automatic succession to the membership of former Socialist Federal Republic of Yugoslavia at United Nations.

5. The position of the successor states to the former Yugoslavia was set out in letters from their permanent representatives to the Under-Secretary-General for Management, dated 7 September 2001, 19 November 2001 and 9 August 2005, to the Chairman of the Committee on Contributions, dated 29 May 2002, and to the Secretary-General, dated 13 March 2006. These letters are contained in enclosures 1 to 5 of the present proposal.

6. It should be noted that on 2 June 2004 the Agreement on Succession Issues among the five successor states of the Socialist Federal Republic of Yugoslavia entered into force.

7. Montenegro became an independent state by the Declaration of Independence adopted by the National Assembly of Montenegro on 3 June 2006. Membership of the State Union Serbia and Montenegro in the United Nations, including all organs and organizations of the United Nations system, is continued by the Republic of Serbia on the basis of Article 60 of the Constitutional Charter of Serbia and Montenegro. Montenegro was admitted to the United Nations as a new member state on 28 June 2006.

II. Treatment of the unpaid assessed contributions of the former Yugoslavia

8. As indicated in the Secretary-General's Report A/60/140, on 1 November 2000 the former Yugoslavia had in the books and records of the United Nations outstanding assessed contributions totaling $16,226,613, a credit of $1,846 in the special account for the United Nations Transition Assistance Group (UNTAG) and an advance of $26,000 to the Working Capital Fund for 2000-2001. In addition, as it was considered to be a member state when the Peacekeeping Reserve Fund was established,[7] the former Yugoslavia may be said to have had a claim to a share in the Fund, although that would have practical significance only if and when the Assembly were to dispose of the assets of the Fund.

9. As per books and records of the United Nations no further assessments have been issued for the former Yugoslavia since 1 November 2000. The Assembly has, however, authorized the allocation of credits in respect of the unencumbered balances of a number of peacekeeping accounts for prior periods, for which assessments had been issued for the former Yugoslavia. Its share of these credits currently totals a net $126,641. Application of this amount brought to $16,135,838 the total amount of outstanding assessed contributions for the former Yugoslavia. The advance to the Working Capital Fund of $26,000 is still outstanding and the credit in the special account for UNTAG is now $37,712.

10. We, the successor states, would like to stress that there is no "common" or recognized date when Socialist Federal Republic of Yugoslavia (SFRY) ceased to exist, as dissolution was a continuing process. The former republics proclaimed their respective independences on different dates. Therefore, it is clearly not possible to look for settlement of former Yugoslavia outstanding assessed contributions for the period of assessment after the dissolution of the SFRY.

11. As we have repeatedly stated, it is necessary to make a distinction between the outstanding contributions to the account of the former Yugoslavia before and after the dissolution of the Socialist Federal Republic of Yugoslavia.

12. In accordance with the rules of general international law regarding the succession of States in respect of State debts, the United Nations should decide that the successor States of the Socialist Federal Republic of Yugoslavia are responsible only for payment of that part of the debts of the former Yugoslavia that occurred to its charge prior to the dissolution of the Socialist Federal Republic of Yugoslavia.

13. As regards that part of the arrears of the former Yugoslavia that occurred to its charge subsequent to the dissolution of the Socialist Federal Republic of Yugoslavia, those debts should not be attributed to any of the successor states.

14. As the dissolution of the Socialist Federal Republic of Yugoslavia did not take place all at one instant, but as a process of gradual disintegration that took place over a period of time each successor state agrees for its equitable proportion of the former Yugoslavia's unpaid assessed contributions that were due and payable on the date of its succession to the Socialist Federal Republic of Yugoslavia. The balance would remain the responsibility of the former Yugoslavia and would then fall to be apportioned between it and the next successor state to have succeeded to the Socialist Federal Republic of Yugoslavia, together with subsequent assessments that became due and payable by the date of its succession and so on. All the credits and payments to the benefit of the accounts of former Yugoslavia, prior and post dissolution should be considered as reduction of the oldest outstanding arrears of the former Yugoslavia in accordance with the financial rules and regulations of the United Nations.

15. The accounts of the United Nations currently reflect application to the assessments, payments and credits of the former Yugoslavia of the financial regulations and rules of the United Nations, including regulation 3.5. Accordingly, payments and credits for each account have been applied to contributions due in the order in which they were assessed, regardless of whether they were received before or after the respective dates of succession. Were the

[7] General Assembly resolution 47/217 of 23 December 1992.

approach outlined above to be taken, however, some accounting adjustments would be necessary in the process of allocation of outstanding assessed contributions and credits.

16. According to the rules of general international law concerning the succession of states, the proportion of the debt of a predecessor state that passes to a successor state is an equitable proportion of that debt that existed to the charge of the predecessor state at the date on which the succession of states between the predecessor state and the successor state took place. The dates of succession of the successor states are therefore an important factor for the Assembly to take into account if it chooses to consider making any claims on the successor states in this regard. In this case, the dates on which the successions of states took place between the Socialist Federal Republic of Yugoslavia and each of its successor states are the dates on which those successor states came into existence. For this purpose the Assembly should calculate the assessments taking into consideration the following dates of which the successor states themselves have notified Secretary-General:[3]

Slovenia: 25 June 1991
Macedonia: 17 September 1991
Croatia: 8 October 1991
Bosnia and Herzegovina: 6 March 1992
Serbia and Montenegro: 27 April 1992 (formerly the Federal Republic of Yugoslavia)

17. As regards the calculation of the accurate amount of unpaid assessed contributions of the SFRY, the Assembly should use the relative shares in accordance with proportions set forth in Article 5(2) Annex C to the Agreement on Succession Issues, which was signed by the five successor States on 29 June 2001 and which entered into force on 2 June 2004. The agreement fixes the proportions for the successor States in respect of the external debts of the Socialist Federal Republic of Yugoslavia.

18. The resolution of the issue of unpaid assessed contributions of the Socialist Federal Republic of Yugoslavia would represent the final solution of this issue, applicable only for the purposes of the unpaid assessed contributions of the former Socialist Federal Republic of Yugoslavia to the United Nations, and without prejudice to any other related decisions and issues.

III. Proposal by the representative of Ghana

19. The successor states carefully studied the proposal put forward by the representative of Ghana at the Fifth Committee session held on 14 October 2002 and would like to refer to it in its entirety and for the purpose of clarity quote the official records of the session[4]: "The representative of Ghana (Mr. Agyeman) pointed out that clear directions were needed so that the Secretariat could settle that issue definitively. General Assembly resolutions 47/1 and 47/229 affirmed that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the Socialist Federal Republic of Yugoslavia, but they were the result of a political compromise and contained many legal contradictions. Although the resolutions stated that the Socialist Federal Republic of Yugoslavia was no longer a member of the United Nations, the General Assembly had continued to endorse rates of assessment for that State for the periods 1995-1997 and 1998-2000 based on data obtained solely from the Federal Republic of Yugoslavia (Serbia and Montenegro). Furthermore, the opinion of the Legal Counsel, in particular regarding the principle of estoppel in the context of attempts by the Federal Republic of Yugoslavia to exercise the rights of the former Yugoslavia at the international level, was not wholly satisfactory, given that the decisions of the General Assembly proscribed the Federal Republic of Yugoslavia from participating in the General Assembly and the Economic and Social Council and from exercising rights in the name of the former Yugoslavia. It was evidently not well-advised either to link the loss of membership of the former Yugoslavia to the admission of the Federal Republic of Yugoslavia into the Organization."

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[3] These dates are to be distinguished from the dates on which the successor States were admitted to membership in the United Nations. Those latter dates are necessarily subsequent to those on which those States each acquired statehood under international law. The dates on which the successor States of the Socialist Federal Republic of Yugoslavia were admitted to membership in the United Nations are as follows: Bosnia and Herzegovina 22 May 1992; Croatia 22 May 1992; Slovenia 22 May 1992; Macedonia 8 April 1993; Serbia and Montenegro (formerly the Federal Republic of Yugoslavia) 1 November 2000; Montenegro 28 June 2006.

[4] See official records of Fifty-seventh session of the General Assembly (A/C.5/57/SR.7).

20. Furthermore the representative of Ghana pointed out that "the letters from the permanent missions of the five successor states made it clear that the states that had constituted the former Yugoslavia were indeed successor states and that what had occurred was a dissolution and succession, not a secession. The focus should therefore be on the predissolution arrears and the solution adopted must not produce unintended legal effects. Delegation of Ghana recommended that the Secretariat should calculate the arrears of the former Yugoslavia up to 25 June 1991, the date on which Slovenia had announced that it had ceased to exist as part of the former Yugoslavia, as well as the amounts outstanding as of 17 September 1991, 8 October 1991, 6 March 1992 and 27 April 1992, the dates on which Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and Macedonia, respectively, had informed the Secretary-General that they had ceased to exist as part of the former Yugoslavia, without prejudice to the recommendations of the Arbitration Commission chaired by Mr. Badinter and advised by Lord Carrington. Based on the amounts determined through that process, the Secretariat would request the five successor states to pay the arrears of the former Yugoslavia taking into account the above dates and, where appropriate, the agreement which they had signed on 29 June 2001 to apportion among themselves the arrears of the former Yugoslavia. The arrears for the period from 27 April 1992, the date on which the last successor state to the former Yugoslavia had established its separate identity, up to 1 November 2001, should be written off."

21. Taking into account the above criteria put forward by the representative of Ghana the Secretariat made its own interpretation and calculation of the amount outstanding ($8,009,454) to the account of the SFRY. The firm position of the successor states however is that the amount calculated by the Secretariat does not reflect all today known facts and is inaccurate and therefore unacceptable for the successor states.

IV. Amount of the unpaid assessed contributions of SFRY

22. After extensive review of all presented financial documentation and having in mind the proposals set out in the Secretary General's report, the successor states present the following principles for the calculation of the amount of the unpaid assessed contributions of the SFRY to the United Nations.

23. The successor states in the informal consultations with member states and the Secretariat during sixtieth General Assembly session expressed their position that, as a way to resolve the issue, they stand ready to remit the undisputable amount of the unpaid assessed contributions of the SFRY according to the principles of the proposal that was made by the representative of Ghana at the Fifth Committee during the General Assembly's fifty-seventh session in 2002. Accordingly the five successor states would remit the arrears of SFRY up to 27 April 1992 in accordance with the proportions set forth in Article 5/2 Annex C to the Agreement on Succession Issues (Vienna, 29 June 2001). All the outstanding assessed contributions to the account of the former Yugoslavia (SFRY) to the Regular Budget and Peace Keeping Operations, assessed after 27 April 1992 should be reversed in the books and records of the UN. In addition, this would require the adjustments for the year 1992 to 4/12 of former Yugoslavia's yearly assessment as the SFRY ceased to exist. Successor states have been individually assessed when admitted to the United Nations as new member states, starting from May 1992 onwards. Therefore it is unacceptable for the successor states to be assessed twice for the same years and for the non-existing state.

24. In accordance with the successor states' understanding of the proposal by the representative of Ghana, the following steps should be applied. The amounts outstanding as at 25 June 1991 were to be divided between Slovenia and the former Yugoslavia - 16% to Slovenia and the balance of 84% to the former Yugoslavia. The amounts outstanding for the former Yugoslavia as at 17 September 1991, that is, the balance as at 25 June 1991 plus any additional assessments in the meantime, were divided between Macedonia and the former Yugoslavia - slightly over 8,9% (that is, 7.5 divided by 84, times 100) to Macedonia and the balance of slightly over 91% to the former Yugoslavia. The amounts outstanding for the former Yugoslavia as at 8 October 1991, that is, the balance as at 17 September 1991 plus any additional assessments arising in the meantime, were divided between Croatia and the former Yugoslavia - slightly over 30% (that is, 23 divided by 76.5, times 100) to Croatia and the balance of almost 70% to former Yugoslavia. The amounts outstanding for the former Yugoslavia as at 6 March 1992, that is, the balance as at 8 October 1991 plus any additional assessments arising in the meantime, were to be divided between Bosnia and Herzegovina and the former Yugoslavia - almost 29% to Bosnia and Herzegovina and the balance of slightly more than 71% to the former Yugoslavia. The amounts outstanding for the former Yugoslavia as at 27 April

1992, that is, the balance as at 6 March 1992 plus any additional assessments arising in meantime, were to be assigned to Federal Republic of Yugoslavia (Serbia and Montenegro). Payments and/or credits arising after the respective dates when the individual successor States ceased to exist as part of former Yugoslavia would have to be applied, in accordance with the UN accounting rules and regulations, to the oldest amounts outstanding for the former Yugoslavia.

25. Taking into consideration all of the above, and according to the documentation provided by the Secretariat, an amount of $784,545 is considered by the successor states to be outstanding to the account of SFRY, as indicated in the table in enclosure 6, and might be considered payable by the five successor states. Accordingly, the exceeding amount outstanding to the account of former Yugoslavia should be reversed.

V. Proposal of the successor states

26. The successor states propose for consideration by the General Assembly the following resolution of the issue of unpaid assessed contributions of the SFRY:

(a) The successor states acknowledge that according to the documentation provided by the Secretariat the unpaid assessed contributions of the Socialist Federal Republic of Yugoslavia amount to $784,545;

(b) Each of the successor states commit itself to remit the equitable portion of above amount in accordance with the proportions set forth in Article 5/2 Annex C to the Agreement on Succession Issues (Vienna, 29 June 2001) and taking into consideration relevant dates for each successor state: that is, for Slovenia: 25 June 1991; Macedonia: 17 September 1991; Croatia: 8 October 1991; Bosnia and Herzegovina: 6 March 1992; Federal Republic of Yugoslavia (Serbia and Montenegro): 27 April 1992;

(c) The successor states request the Assembly to authorize Secretary-General to reverse and adjust accordingly in the books and records of the United Nations all the outstanding assessed contributions to the account of the former Yugoslavia (SFRY) to the Regular Budget and the Budget of Peace Keeping Operations, assessed after 27 April;

(d) The above resolution of the issue of unpaid assessed contributions of the Socialist Federal Republic of Yugoslavia would represent the final solution of this issue, applicable only for the purposes of the unpaid assessed contributions of the former Socialist Federal Republic of Yugoslavia to the United Nations, and without prejudice to any other related decisions and issues.

Enclosure I

Letter dated 7 September 2001 from the Permanent Representatives of Bosnia and Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia and Yugoslavia, addressed to the Under-Secretary-General for Management

Upon instructions from our Governments, we are answering your letter of 27 July 2001 and conveying to you our joint position concerning the outstanding assessed contributions of the former Socialist Federal Republic of Yugoslavia. As confirmed by relevant Security Council and General Assembly resolutions, the State known as the Socialist Federal Republic of Yugoslavia has ceased to exist and has been succeeded by five equal successor States, which have been admitted as new States Members of the United Nations. Since their admission to the United Nations,

the new States have been assessed for the contributions and have duly paid them. In the past, some successor States already indicated in their official statements that there is no basis for the assessment of a contribution for a State which has ceased to exist. Therefore, all five successor States, which are States Members of the United Nations and pay their assessed contributions, believe that these arrears should be written off.

(*Signed*) Husein **Šivalj**
Permanent Representative of
Bosnia and Herzegovina to the United Nations

(*Signed*) Ivan **Šimonović**
Permanent Representative of the
Republic of Croatia to the United Nations

(*Signed*) Srgjan **Kerim**
Permanent Representative of the
Republic of Macedonia to the United Nations

(*Signed*) Ernest **Petrič**
Permanent Representative of the
Republic of Slovenia to the United Nations

(*Signed*) Dejan **Šahović**
Permanent Representative of
Federal Republic of Yugoslavia to the United Nations

Enclosure 2

Letter dated 19 November 2001 from the Permanent Representatives of Bosnia and Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia and Yugoslavia, addressed to the Under-Secretary-General for Management

Following our letter of 7 September 2001 and upon instructions from our Governments, we would like once again to convey to you our joint position regarding the outstanding assessed contributions of the former Socialist Federal Republic of Yugoslavia. The State known as Socialist Federal Republic of Yugoslavia has ceased to exist and was succeeded by five equal successor States, none of which continued its legal personality. This fact was confirmed in relevant Security Council and General Assembly resolutions of 1992. Although a dissolved State, which evidently no longer existed, should have ceased to be a member of the United Nations ipso facto, Socialist Federal Republic of Yugoslavia continued to be assessed for the contributions. The dissolution of the former Socialist Federal Republic of Yugoslavia was a continuing process. The exact date when the successor States became independent is different for each of them and no precise date of the dissolution can be determined. This situation should have been appropriately reflected in the decisions of the United Nations, including those regarding the assessment of contributions. All five successor States were admitted as new Member States to the United Nations and have since paid their assessed contributions. The dissolution of the former Socialist Federal Republic of Yugoslavia was unique and indeed no identical precedent existed before. All the previous cases (for example the break-up of the former Union of Soviet Socialist Republics or Czechoslovakia) were different and so the legal consequences were different and it is quite unlikely the same situation could occur again. However, if a similar situation occurs, the United Nations should find a way to address it in an appropriate manner.

Keeping the Socialist Federal Republic of Yugoslavia, the dissolved State, on the list of the scale of assessments was a misleading approach, which should bear no legal consequences on other Member States. Therefore, all five successor States, after having carefully considered the suggestions presented in your letter of 27 July 2001, wish to reiterate their joint position that the contributions assessed to the former Socialist Federal Republic of Yugoslavia should be written off.

(Signed) Mirza **Kusljugić**
Permanent Representative of
Bosnia and Herzegovina to the United Nations

(Signed) Ivan **Šimonović**
Permanent Representative of the Republic of Croatia to the United Nations

(Signed) Srgjan **Kerim**
Permanent Representative of the
Republic of Macedonia to the United Nations

(Signed) Ernest **Petrič**
Permanent Representative of the
Republic of Slovenia to the United Nations

(Signed) Dejan **Šahović**
Permanent Representative of
Federal Republic of Yugoslavia to the United Nations

Enclosure 3

Letter dated 29 May 2002 from the Permanent Representatives of Bosnia and Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia to the United Nations addressed to the Chairman of the Committee on Contributions

We are writing to you in your capacity as a Chairman of the Committee on Contributions regarding the issue of the arrears of the former Yugoslavia, which is going to be on the agenda of the session of the Committee this June. Upon instructions from our Governments, we would like once again to convey to you our joint position regarding the outstanding assessed contributions of the former Socialist Federal Republic of Yugoslavia.

The State known as the Socialist Federal Republic of Yugoslavia has ceased to exist and was succeeded by five equal successor States, none of which continued its legal personality. This fact was confirmed by the relevant Security Council and General Assembly resolutions of 1992. Although a dissolved State, which evidently no longer existed, should have ceased to be a Member of the United Nations ipso facto, the Socialist Federal Republic of Yugoslavia continued to be assessed for the contributions.

The dissolution of the former Socialist Federal Republic of Yugoslavia was a continuing process. The exact date when the successor States became independent is different for each of them, and no precise date of the dissolution can be determined. This situation should have been appropriately reflected in the decisions of the United Nations, including those regarding the assessment of contributions. All five successor States were admitted to the United Nations as new Member States and have since then paid their assessed contributions.

The dissolution of the former Socialist Federal Republic of Yugoslavia was unique, and, indeed, no identical precedent existed. All the previous cases (for example, the break-up of the former Union of Soviet Socialist Republics and Czechoslovakia) were different, and thus the legal consequences were different, and it is quite unlikely the same situation could occur again. However, if a similar situation occurs, the United Nations should find a way to address it in an appropriate manner.

Keeping the Socialist Federal Republic of Yugoslavia, the dissolved State, on the list of the scale of assessments was a misleading approach, which should bear no legal consequences for other Member States. Therefore, all five successor States wish to reiterate once again their joint position that the contributions assessed to the former Socialist Federal Republic of Yugoslavia should be written off.

(Signed) Mirza **Kusljugic**
Permanent Representative of
Bosnia and Herzegovina to the United Nations

(Signed) Ivan **Šimonović**
Permanent Representative of the Republic of Croatia to the United Nations

(Signed) Srgjan **Kerim**
Permanent Representative of the
Republic of Macedonia to the United Nations

(Signed) Ernest **Petrič**
Permanent Representative of the
Republic of Slovenia to the United Nations

(Signed) Dejan **Šahović**
Permanent Representative of Federal Republic of Yugoslavia the United Nations

Enclosure 4

Letter dated 9 August 2005 from the Permanent Representative of the former Yugoslav Republic of Macedonia and the Chargés d.affaires a.i. of Bosnia and Herzegovina, Croatia, Serbia and Montenegro, and Slovenia addressed to the Under-Secretary-General for Management

We are writing to you regarding the report of the Secretary-General on the unpaid assessed contributions of the former Yugoslavia, which was transmitted to us by the letter signed by Rosemary McCreery, Officer-in-Charge, Department of Management, dated 24 May 2005, and our letter to you of 29 July 2005.

The five successor States of the Socialist Federal Republic of Yugoslavia (Bosnia and Herzegovina, Republic of Croatia, Republic of Macedonia, Serbia and Montenegro, and Republic of Slovenia) consider the report of the Secretary-General on the unpaid assessed contributions of the former Yugoslavia as a basis upon which to reach an acceptable agreement on the settlement of arrears of the former Socialist Federal Republic of Yugoslavia to the United Nations. The successor States highly appreciate the readiness of the Secretariat to cooperate closely with them regarding the above issue and to take into account discussions held and written replies given by the successor States so far.

For the sake of clarifying the information distributed to the United Nations Member States that are going to discuss this issue during the General Assembly session, we call on the Secretariat to include in its report our proposals given below. We require that the term "Socialist Federal Republic of Yugoslavia" be used in the report instead of "former Yugoslavia" (paras. 5-10, 12-22, 25, 28-34 and 37). The Federal Republic of Yugoslavia that came into existence, on 27 April 1992 became a United Nations Member not earlier than 1 November 2000; the State is presently known as Serbia and Montenegro.

In addition, we would like to draw attention to the fact that the Security Council, in its resolution 777 (1992), stated that the state formerly known as the Socialist Federal Republic of Yugoslavia had ceased to exist. We believe that this is an important part of the resolution and that it should be included in paragraph 2 of the Secretary-General's report.

We also believe that the unauthorized participation of the Federal Republic of Yugoslavia in United Nations sessions cannot be the basis for assessed contributions to be paid by the former Socialist Federal Republic of Yugoslavia. In addition, we propose to insert (in paragraph 7 of the report) a short reference to the fact that the said attempts to participate were consistently challenged by a number of Member States, in particular by other successor states of the Socialist Federal Republic of Yugoslavia.

Inconsistency in using the name of the State is also seen in paragraph 15 where, in accordance with Security Council resolution 777 (1992) the wording "Former Yugoslavia" has to be replaced by the accurate name, Socialist Federal Republic of Yugoslavia. Consequently, the date 1 November 2000, referred to in paragraph 15, is incorrect. The first sentence of paragraph 15 should read as follows: "As noted above, during 1991-1992 the Socialist Federal Republic of Yugoslavia underwent a process of dissolution and ceased to exist".

In paragraph 8, the second sentence should be redrafted to read as follows: "On the basis of that decision the Socialist Federal Republic of Yugoslavia has necessarily and automatically ceased to be listed as a Member State". It should be clear from the report that prior to that date, the former Socialist Federal Republic of Yugoslavia was listed as a Member State, although it was clear from resolution 777 (1992) that it had ceased to exist. In the first sentence of paragraph 13, the wording "when it ceased to be a Member State" should be deleted.

We believe that inclusion of these elements in the report is of crucial importance for Assembly deliberation on the question of unpaid assessed contributions of the Socialist Federal Republic of Yugoslavia. Therefore we kindly ask you to redraft the report of the Secretary-General on the unpaid assessed contributions of the Former Yugoslavia as of 24 May 2005 in accordance with our above suggestions. As noted in the report, the common position of the five

successor States on this issue has been that the unpaid assessed contributions of the Socialist Federal Republic of Yugoslavia should be written off. The issue will further be discussed at the meeting of the Committee of High Representatives of the five successor States, which was established under the Agreement on Succession Issues among the five successor States, and which will take place in late September when the report will be closely examined. We would highly appreciate if you could include this information in the report.

The five successor States are firmly interested in resolving the issue of the unpaid assessed contributions of the Socialist Federal Republic of Yugoslavia during the sixtieth session of the Assembly and are ready to cooperate constructively with other United Nations Members and the Secretariat. We also believe that the financial part of the report should be revisited by the experts of successor States and the Secretariat prior to the beginning of the discussion on this issue at the sixtieth session of the Assembly.

(Signed) Igor **Dzundev**
Permanent Representative of the
Republic of Macedonia to the United Nations
(Signed) Željko **Vukobratović**
Chargé d'affaires a.i. of
Bosnia and Herzegovina to the United Nations
(Signed) Ivan **Nimac**
Chargé d'affaires a.i. of the
Republic of Croatia to the United Nations
(Signed) Slavko **Kruljevic**
Chargé d'affaires a.i. of the
Republic of Serbia and Montenegro to the United Nations
(Signed) Eva **Tomič**
Chargé d'affaires a.i. of the
Republic of Slovenia to the United Nations

Enclosure 5

Letter dated 13 March 2006 from the Permanent Representatives of Bosnia and Herzegovina, Croatia, Serbia and Montenegro, Slovenia, and the former Yugoslav Republic of Macedonia addressed to the Secretary-General of the United Nations

We, the representatives of five successor states of Socialist Federal Republic of Yugoslavia (SFRY), i.e. Bosnia and Herzegovina, Republic of Croatia, Republic of Macedonia, Serbia and Montenegro and Republic of Slovenia, are writing to you regarding the Report of the Secretary-General on the Unpaid Assessed Contributions of the Former Yugoslavia (A/60/140*) dated 16 September 2005 and on the understanding from the programme of work for the first resumed session of the Fifth Committee of the 60th UN General Assembly, which started on 6 March 2006, that the respective report will remain in its present form.

May we recall that we already expressed our disagreement with certain statements in the present report that do not reflect the actual facts in our letter addressed to Mr. Christopher Burnham, Under-Secretary-General, Department of Management, dated 9 August 2005 (Annex to the report A/60/140*), as a replay to the letter from the Department he is in charge of, which called the five successor states of SFRY to present their position at that stage to the draft of the present report.

We would like to recall that at the meeting of the 5th Committee of the General Assembly on 18 October 2005 we stated that we are fully aware of the urgency to resolve the issue of the unpaid assessed contributions of SFRY and expressed our disappointment that none of our suggestions was included in the respective report when issued on the 16 September 2005.

We would further like to recall that as a follow-up of the main session of the 5th Committee of the GA we further discussed this issue on 5-10 December 2005 with the representatives from the Department of Management, i.e. Controller Mr. Warren Sach and Chief of Contribution Service Mr. Mark Gilpin and also with the representative from the Office of Legal Affairs Mr. David Hutchinson. During these talks we have agreed that certain statements in the respective report are incorrect and that the report will be revisited. However that did not happen and except the communication we had with the Chief of Contribution Service Mr. Mark Gilpin we have not received any indication from the Department of Management regarding our communication in December 2005. Only on 3 March 2006 we have received a letter from the Office of Programme Planning, Budget and Accounts, informing us that no revision of the report is required.

We consider this approach as inappropriate and unacceptable, and may cause a further delay in the resolution of this issue.

The five successor states therefore wish to reiterate our common position, presented in our letter attached as Annex IV to the present report, and ask you to duly reflect its substance in a revised report (corrigendum).

However the information on the outstanding assessed contributions of SFRY in the Annex V-IX of the respective report is not presented in substance and form that would enable the five successor states to determine and accept any undisputable debt they might have towards the Organization. With the purpose to clearly identify the undisputable amount they owe to the Organization the five successor states were further discussing this issue with responsible departments of the UN Secretariat in December 2005.

Surprisingly this communication and review of related documentation was a long and overdue process that lacked sufficient accuracy, transparency and cooperation of the respective departments of the UN Secretariat. Although this process has not been concluded yet, the five successor states came to the conclusion that the amount of the undisputed arrears of SFRY presented in the Annexes V-IX of the Secretary-Generals Report is incorrect and needs further elaboration.

Having said that, the five successor states of SFRY once again call the UN Secretariat to submit without any further delay to the successor states of SFRY and to the other UN member states the revised report on the unpaid assessed contributions of SFRY in accordance with generally accepted accounting principles, and taking into account the views of the five successor states expressed in their letter dated 9 August 2005.

We would like to stress that the essential element in resolving the issue of arrears of SFRY is the exact ascertainment of the amount of the unpaid assessed contributions of the SFRY, taking into account all the pertaining subsequent payments and credits to account of "former Yugoslavia" (SFRY).

In particular the five successor states of SFRY are requesting the UN Secretariat to:

- Submit without any further delay to the successor states of SFRY all data and documentation pertaining to the outstanding unpaid assessed contributions of Socialist Federal Republic of Yugoslavia on the 31 December 1990 and from that date up to 27 April 1992 taking into account all the payments made by SFRY before, and FRY after 27 April 1992 and credited to the account of "former Yugoslavia" (separate for Regular Budget and Peace Keeping Operations);
- Submit a detailed report on the assessed contributions and payments exercised from the UN member states for the peace keeping operations ONUC (1960) and UNEF (1956).
- Submit a report on the assessed contributions, payments and credits for the each of the five successor states of SFRY to all UN budgets from the time they become UN member states until today.
- The Summary Reports of the above should be prepared in accordance with the generally accepted accounting principles that would enable UN member states, including five successor states of SFRY, to review it;
- In addition, all the pertaining credits made to the account of "former Yugoslavia" (SFRY) for the period from 27 April 1992 and up to now, should be applied to the pertaining outstanding balance for Regular Budget and Peace Keeping Operations of SFRY;
- A Report of SFRY share of UN PKO Reserve Fund and Working Capital Fund, their subsequent distribution among successor states and the outstanding balance as of 31 December 2005 should be prepared without undue delay in a separate document to be presented to the successor states for their review;
- The same request for disclosure and presentation should apply for any other assets that might be considered to be assets of SFRY in the books and records of UN.

The five successor States are firmly committed to resolve the issue of the SFRY's unpaid assessed contributions, if possible, during first resumed session of the Fifth Committee of the 60th UN General Assembly and are ready to cooperate constructively with other UN members and the UN Secretariat.

(Signed) **Miloš Prica**
Permanent Representative of Bosnia and Herzegovina
to the United Nations

(Signed) **Mirjana Mladineo**
Permanent Representative of the Republic of Croatia
to the United Nations

(Signed) **Igor Dzundev**
Permanent Representative of the Republic of Macedonia
to the United Nations

(Signed) **Nebojša Kaludjerović**
Permanent Representative of Serbia and Montenegro
to the United Nations

(Signed) **Roman Kirn**
Permanent Representative of the Republic of Slovenia
to the United Nations

Enclosure 6

Unpaid assessed contributions of the former Yugoslavia outstanding due and payable
(Successor states view based on Ghana proposal)

Name	UN assessment	Successors accept	Payments SFRY	UN credits	SLO	Payments MK	CRO	BiH	FRY	Saldo +/-
Regular Budget	12.986.515	10.183.832	4.762.283	180.000	517.027	136.068	746.817	229.790	2.901.697	-710.150
Total r.b.										
1.ONUC	333.269	0								0
2.UNEF	7.598	0								0
3.UNDOF	121.345	121.345	68.963	2.768	3.599	918	5.199	1.600	0	-38.298
4.UNIFIL	332.319	332.319	29.418,5	22.863	17.329	4.350	25.030	7.700	0	-225.628
5.UNIMOG	53.120	53.120	29.418,5	18.029	0	0	0	0	0	-5.673
6.UNAVEM/ MONUA	88.327	88.327	9.051	18.626	7.185	738	10.377	3.193	0	-39.157
7.UNTAG	374.092	374.092	315.253	96.549	0	0	0	0	0	+37.712
8.UNIKOM	83.812	83.812	0	4.535	5.445	1.097	7.862	2.419	0	-62.454
9.ONUCA	97.908	97.908	0	7.430	4.887	729	7.058	2.171	0	-75.633
10.ONUSAL										
11.UNAMIC	196.362	196.362	0	2.758	97.785	15.595	141.243	43.458	0	+104.477
12.UNTAC										
13.UN-PROFOR	209.958	209.958	100.000	79.277	45.703	29.015	66.015	20.312	0	+130.364
14.UNOSOM	0	0	0	2.480	16.358	20.041	23.629	7.271	0	+69.779
15.ONUMOZ	0	0	0	11.698	4.450	5.562	6.428	1.978	0	+30.116
PKO 1 Total	1.898.110	1.557.243	552.104	267.013	202.741	78.045	292.841	90.102	0	-74.395
16.MINURSO	128.000	0	0	5.528	0	0	0	0	0	0
PKO 2 Total	2.026.110			272.541	202.741	78.045	292.841	90.102	0	
TOTAL PKO	2.026.110	1.557.243	552.104	272.541	202.741	78.045	292.841	90.102	0	-74.395
TOTAL	15.012.625	11.741.075	5.314.387	452.541	719.768	214.113	1.039.658	319.892	2.901.697	-784.545

United Nations A/C.5/61/12

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Programme budget for the biennium 2006-2007

Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Programme budget implications of draft resolution A/ES-10/L.19

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Requests contained in the draft resolution

1. Under the terms of operative paragraphs 3 and 11 of draft resolution A/ES-10/L.19, the General Assembly would request the Secretary-General:

(a) To establish a fact-finding mission on the attack that took place in Beit Hanoun on 8 November 2006 and to report thereon to the General Assembly within 30 days;

(b) To report to the General Assembly on the implementation of the resolution in a timely manner.

II. Relationship of the proposed requests to the biennial programme plan and priorities for the period 2006-2007

2. The above requests relate to subprogramme 1, Prevention, control and resolution of conflicts, of programme 2, Political affairs, of the biennial programme plan and priorities for the period 2006-2007.[1]

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 6* (A/59/6/Rev.1 and Corr.1).

06-61907 (E) 161106

III. Activities by which the requests would be implemented

3. A fact-finding mission comprising one Team Leader, one Political Affairs Officer, one Military Adviser, one Legal Expert, one Human Rights Officer, one Security Coordinator, one Radio Technician and one Administrative Assistant would be deployed to Tel Aviv, Ramallah, Jerusalem and Gaza.

IV. Estimated resource requirements

4. The estimated costs of the fact-finding mission, as requested in operative paragraph 3 of draft resolution A/ES-10/L.19, would amount to $131,200.

5. These resources would cover the travel costs of the fact-finding team ($73,800), temporary logistic and administrative support to the team ($18,300), rental of premises for meetings ($12,000), local transportation requirements ($19,900) and communications costs ($7,200). Other substantive and administrative support would be provided by the Department of Political Affairs.

V. Action required from the General Assembly

6. **In accordance with the provisions of paragraph 11 of annex I of General Assembly resolution 41/213, should the Assembly adopt draft resolution A/ES-10/L.19, an additional appropriation of $131,200 would be required under section 3, Political affairs, of the programme budget for the biennium 2006-2007.**[2]

[2] Ibid., *Sixtieth Session, Supplement No. 6* (A/60/6/Add.1).

United Nations A/C.5/61/12*

General Assembly

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Sixty-first session
Fifth Committee
Agenda item 117
Programme budget for the biennium 2006-2007

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Programme budget implications of draft resolution A/ES-10/L.19

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Requests contained in the draft resolution

1. Under the terms of operative paragraphs 3 and 11 of draft resolution A/ES-10/L.19, the General Assembly would request the Secretary-General:

(a) To establish a fact-finding mission on the attack that took place in Beit Hanoun on 8 November 2006 and to report thereon to the General Assembly within 30 days;

(b) To report to the General Assembly on the implementation of the resolution in a timely manner.

II. Relationship of the proposed requests to the biennial programme plan and priorities for the period 2006-2007

2. The above requests relate to subprogramme 1, Prevention, control and resolution of conflicts, of programme 2, Political affairs, of the biennial programme plan for the period 2006-2007.[1]

* Reissued for technical reasons.

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 6* and corrigendum (A/59/6/Rev.1 and Corr.1).

06-61907* (E) 211106

III. Activities by which the requests would be implemented

3. A fact-finding mission comprising one Team Leader, one Political Affairs Officer, one Military Adviser, one Legal Expert, one Human Rights Officer, one Security Coordinator, one Radio Technician and one Administrative Assistant would be deployed to Tel Aviv, Ramallah, Jerusalem and Gaza.

IV. Estimated resource requirements

4. The estimated costs of the fact-finding mission, as requested in operative paragraph 3 of draft resolution A/ES-10/L.19, would amount to $131,200.

5. These resources would cover the travel costs of the fact-finding team ($73,800), temporary logistic and administrative support to the team ($18,300), rental of premises for meetings ($12,000), local transportation requirements ($19,900) and communications costs ($7,200). Other substantive and administrative support would be provided by the Department of Political Affairs.

V. Action required from the General Assembly

6. **In accordance with the provisions of paragraph 11 of annex I of General Assembly resolution 41/213, should the Assembly adopt draft resolution A/ES-10/L.19, an additional appropriation of $131,200 would be required under section 3, Political affairs, of the programme budget for the biennium 2006-2007.**

[a] Ibid., *Sixtieth Session, Supplement No. 6* (A/60/6/Add.1).

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General Assembly

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Sixty-first session
Fifth Committee
Agenda item 117
Programme budget for the biennium 2006-2007

Establishment of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory

Programme budget implications of draft resolution A/ES-10/L.20

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Requests contained in the draft resolution

1. Under the terms of operative paragraphs 3, 4 and 5 of draft resolution A/ES-10/L.20, the General Assembly would:

(a) Establish the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory to serve as a comprehensive record, in documentary form, of the damage caused to all natural and legal persons concerned as a result of the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and to be referred to as the Register of Damage;

(b) Decide to set up an office of the Register of Damage, which would be:

(i) Responsible for the establishment and comprehensive maintenance of the Register of Damage;

(ii) Composed of a three-member Board and a secretariat, headed by an Executive Director and consisting of substantive, administrative and technical support staff;

(iii) A subsidiary organ of the General Assembly operating under the administrative authority of the Secretary-General;

(iv) Established at the site of the United Nations Office at Vienna (UNOV);

06-63309 (E) 301106

(c) Request the Secretary-General to nominate the candidates for the three-member Board of the office of the Register of Damage, according to the selection criteria defined in his report dated 17 October 2006 (A/ES-10/361), and at the earliest practicable date, and to submit their candidatures to the General Assembly for its approval within three months.

2. Under the terms of operative paragraphs 6 to 8 of the draft resolution, the General Assembly would decide on the responsibilities and functions of the Board, the Executive Director and the secretariat of the office of the Register of Damage.

3. Under the terms of operative paragraphs 11 and 15 of the draft resolution, the General Assembly would:

(a) Call for the establishment and operation of the office of the Register of Damage and the establishment of the Register of Damage itself within six months of the adoption of the resolution and the immediate undertaking thereafter of the process of registration of damage claims;

(b) Request the Secretary-General to provide necessary staff and facilities and to make appropriate arrangements to provide necessary funds required to carry out the terms of the present resolution.

II. Relationship of the proposed requests to the biennial programme plan and priorities for the period 2006-2007

4. The above requests relate to subprogramme 1, Prevention, control and resolution of conflicts, of programme 2, Political affairs, of the biennial programme plan and priorities for the period 2006-2007.[1]

III. Activities by which the requests would be implemented

5. In his report to the General Assembly (A/ES-10/361), the Secretary-General outlined the structure and functions of the office of the Register of Damage, comprising the Board and the secretariat to be headed by an Executive Director. Consistent with the decisions and requests contained in draft resolution A/ES-10/L.20, the office of the Register of Damage would be established at the site of the United Nations Office at Vienna.

6. The Board would be composed of three independent members, assisted by the Executive Director of the office of the Register of Damage as an ex officio member of the Board. Members of the Board would be remunerated on a "when-actually-employed" basis.

7. The secretariat would include the Office of the Executive Director, a Verification and Assessment Unit, a Community Outreach Unit, a Claims Processing Unit, an Information Management Unit and an Administrative Unit.

8. The Office of the Executive Director would be headed by the Director at the D-2 level, supported by a Senior Legal Adviser (P-5), a Coordination Officer (P-4) and a Personal Assistant (General Service (Other level)). The Senior Legal Adviser

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 6* and corrigendum (A/59/6/Rev.1 and Corr.1).

06-63304

would provide advice and assistance to the Executive Director and the Board on issues related to international, public, private and administrative law, including liaison with legal authorities of relevant Governments and institutions, perform extensive legal research and analysis and prepare legal opinions, studies, briefings, reports and correspondence, review, advise on and draft contracts, agreements, institutional and operational modalities and other legal documents. The Coordination Officer would provide substantive assistance to the Executive Director and be responsible for preparing regular inputs to the Board on the implementation of programmes, developing appropriate feedback tools for ongoing improvements in respect to research projects and special reporting products and ensuring information gathering and dissemination.

9. The Verification and Assessment Unit would be headed by a Chief of Unit (D-1) and comprise a Finance Officer (P-5), a Survey Officer (P-4), an Engineer (P-4), a Legal Officer (P-3) and two Verification and Assessment Assistants (General Service (Other level)). The Unit would be responsible for reviewing the claims in compliance with formal requirements to be defined by the Board in the rules and regulations, determining whether loss or damage claimed is directly resulting from the construction of the wall and, where appropriate, making assessments of the value of losses.

10. The Community Outreach Unit would consist of a Community Outreach Officer (P-4) and an Assistant (General Service (Other level)) and would be responsible for informing the public in an extensive information and education campaign about the possibility of and requirements for filing damage claims and their submission to the office of the Register of Damage. To this end, the Community Outreach Unit, jointly with other relevant staff of the secretariat of the Register of Damage, assisted by six training experts, would identify training requirements for local focal points and would undertake a 10-day mission to the region to carry out training and capacity-building on the ground, required for informing affected communities and individuals, distribute claim forms and provide general assistance.

11. The Claims Processing Unit would comprise two Claims Officers (one P-4 and one P-3), and five General Service (Other level) staff (3 translators and 2 data entry clerks) and would be responsible for processing damage claims with a view to submitting them through the Executive Director to the Board for approval. The Unit would also be responsible for keeping the records of damage claims approved by the Board. The Register of Damage would include both hard copies of the claims and their electronic protected versions with information kept at the office headquarters. Owing to the fact that the office of the Register of Damage would require a computerized software and database system designed in English for the processing of a large number of claims, translation would need to be provided in cases where claim forms are not submitted in English.

12. The Information Management Unit would comprise one Information Management and Technology Officer (P-4), a Systems Analyst/Programmer (P-2) and an Information Systems Assistant (General Service (Other level)) and would be responsible for setting up a standardized format for the claims and maintaining the related electronic database. This task would be undertaken in close collaboration with the Claims Processing Unit, which would define the substantive requirements

to be included in the forms. The Unit would also develop a special programme for the protection of the electronic database of registered claims.

13. The Administrative Unit, consisting of one Administrative Officer (P-4) and an Administrative Assistant (General Service (Other level)), would contribute to the implementation of the mandate of the Register of Damage by providing the required administrative and logistical support, in the areas of budget, finance, human resources management, general services and logistics. Functions also include liaison and coordination with UNOV, which would provide administrative support.

14. A critical review of best practices in the field of similar registration of losses and damages would be conducted at the initial stage of the establishment of the Register of Damage. Five technical experts in the field of damage claims, community outreach, agriculture, land law and topography would assist the Board in its definition of the rules and regulations. Any additional experts may be temporarily hired on a "when-needed" basis to assist the Board in performing highly specialized tasks related to the establishment or the maintenance of the Register of Damage.

15. The office of the Register of Damage would remain active for the duration of the process of registration. The establishment of the Register of Damage itself would be a continuous process that would most likely take several years, given the thousands of potential claims and continued construction of the wall that may result in new damages. Based on preliminary estimates and without prejudice to the number of claims which may be filed, up to 100,000 claim forms may be required to be printed, distributed, collected and processed by the office of the Register of Damage.

IV. Estimated resource requirements

16. The estimated costs of the establishment and maintenance of the Register of Damage, as decided and requested in draft resolution A/ES-10/L.20, for a one-year period from 1 January to 31 December 2007, amount to $2,812,000 net ($3,098,700 gross).

17. These resources would cover the salaries and common staff costs for Members of the Board, to be engaged on a "when-actually-employed" basis, and 14 Professional and 11 General Service (Other level) staff comprising the office of the Register of Damage ($1,610,300); consultancy services ($69,900), the official travel of Members of the Board and staff of the office ($331,900); requirements for facilities and infrastructure ($213,400), communications equipment and communications charges ($76,300), information technology equipment including software licences and services ($356,200), other services, supplies and equipment ($41,400), as well as requirements for a community outreach programme ($30,000) and a training programme ($82,600).

V. Potential for absorption

18. No provision has been made under the programme budget for the biennium 2006-2007 in relation to the activities that would be requested under draft resolution A/ES-10/L.20. At the current stage, it is not possible to identify activities within

section 3, Political affairs, of the programme budget for the biennium 2006-2007 that could be terminated, deferred, curtailed or modified during the biennium.

VI. Action required from the General Assembly

19. **In accordance with the provisions of paragraph 11 of annex I of General Assembly resolution 41/213, an additional appropriation amounting to $3,098,700 would be required under section 3, Political affairs ($2,812,000), and section 35, Staff assessment ($286,700), to be offset by the same amount under Income section 1, Income from staff assessment, of the programme budget for the biennium 2006-2007, for the establishment and maintenance of the Register of Damage.**

United Nations A/C.5/61/14

General Assembly

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Sixty-first session
Fifth Committee
Agenda items 67 (c) and 117

Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Programme budget for the biennium 2006-2007

Situation of human rights in Myanmar

Programme budget implications of draft resolution A/C.3/61/L.38/Rev.1

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Requests contained in the draft resolution

1. At its 52nd meeting on 22 November 2006, the Third Committee adopted draft resolution A/C.3/61/L.38/Rev.1. The programme budget implications were presented to the Committee in document A/C.3/61/L.56 and are reproduced below for the consideration of the Fifth Committee.

2. Under the terms of paragraph 5 of draft resolution A/C.3/61/L.38/Rev.1, the General Assembly would request the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and the people of Myanmar, including all relevant parties to the national reconciliation process in Myanmar, and to offer technical assistance to the Government in this regard;

(b) To give all necessary assistance to enable his Special Envoy, once appointed, and the Special Rapporteur to discharge their mandates fully and effectively;

(c) To report to the General Assembly at its sixty-second session on the progress made in the implementation of the present resolution.

06-63335 (E) 301106

II. Relationship of the proposed requests to the biennial programme plan for the period 2006-2007

3. The foregoing requests relate to subprogramme 1, Prevention, control and resolution of conflicts, of programme 2, Political affairs, and subprogramme 3, Advisory services, technical cooperation and field activities, and subprogramme 4, Support for human rights thematic fact-finding procedures, of programme 19, Human rights, of the biennial programme plan for the period 2006-2007.[1]

III. Activities by which the requests would be implemented

4. In his report to the General Assembly,[2] the Secretary-General indicated that his good offices efforts had encountered considerable difficulties since the event in the last quarter of 2004 concerning the former Prime Minister, which had resulted in a significant reduction of political contacts between the United Nations and the Myanmar authorities, and that political discussions with the Government of Myanmar had been held only outside the country on limited occasions.

5. The Secretary-General also indicated that discussions had continued with a view to finding ways and means to re-establish high-level contacts. As a result, a mission had been dispatched to Myanmar to assess ways to help that country move in the direction of all-inclusive democracy, sustainable development and national reconciliation and to address unhindered access for the delivery of humanitarian assistance. He reiterated his call upon the Myanmar authorities to take the necessary steps to make reform efforts more inclusive and credible when the National Convention resumed and during subsequent phases of the road map process, including those for drafting the constitution and organizing a national referendum. The Secretary-General pointed out that such steps should commence as soon as possible, starting with certain confidence-building measures, and that he was prepared, if progress was made, to do his utmost to mobilize all the necessary international assistance to support the Myanmar authorities in facilitating their national reconciliation efforts in order to ensure that the people of Myanmar could partake in the same benefits of economic, social and political development as were enjoyed in neighbouring countries.

6. Consistent with the requests contained in paragraph 5 of draft resolution A/C.3/61/L.38/Rev.1, the efforts of the good offices of the Secretary-General would be continued in 2007, in pursuit of his discussions on the situation of human rights and the restoration of democracy with the Government and the people of Myanmar, as well as with all relevant parties to the national reconciliation process. The efforts of his good offices would be carried out through his Special Envoy and the progress made in the implementation of the resolution would be reported to the General Assembly at its sixty-second session.

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[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 6* (A/59/6/Rev.1).

[2] A/61/504.

IV. Estimated resource requirements

7. The estimated costs of continuing the efforts of the good offices of the Secretary-General to facilitate the process of national reconciliation and democratization through his Special Envoy for Myanmar, as requested in paragraph 5 (a), (b) and (c) of draft resolution A/C.3/61/L.38/Rev.1, for a one-year period, from 1 January to 31 December 2007, amount to $198,400 net ($234,800 gross).

8. These resources would cover the salaries for the Special Envoy, to be engaged on a when-actually-employed basis, and for a local staff member who would provide support to the Special Envoy; the official travel of the Special Envoy to Myanmar, neighbouring countries in the region, Europe and North America, including United Nations Headquarters, the services of a consultant; and miscellaneous services in support of his mission. Other substantive and administrative support to the Special Envoy would be provided by the Department of Political Affairs.

9. With regard to the request contained in the last part of paragraph 5 (a), concerning technical assistance, such assistance, if requested, would be accommodated within the technical cooperation activities of the Office of the United Nations High Commissioner for Human Rights. As to the request contained in paragraph 5 (b), pertaining to the Special Rapporteur, the Secretary-General has informed the General Assembly, in his report on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006 (A/61/530), that budgetary provisions have already been made for the activities related to the various human rights mandates listed in the annex to Human Rights Council decision 1/102, within resources approved for the biennium 2006-2007. These fall under section 23, Human rights, of the programme budget for the biennium 2006-2007.

10. By its decision 1/102, the Human Rights Council decided to extend exceptionally for one year, subject to the review to be undertaken by the Council in conformity with General Assembly resolution 60/251, the mandates and the mandate holders of all the special procedures of the Commission on Human Rights, of the Subcommission on the Promotion and Protection of Human Rights as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, as listed in the annex to the decision. The Special Rapporteur referred to in paragraph 5 (b) of the draft resolution is included in the annex.

V. Summary

11. Should the General Assembly adopt draft resolution A/C.3/61/L.38/Rev.1, additional requirements amounting to $198,400 net ($234,800 gross) would be required for the period from 1 January to 31 December 2007, under section 3, Political affairs, of the programme budget for the biennium 2006-2007, for the continuation of the efforts of the good offices of the Secretary-General relating to the situation in Myanmar. Appropriation for the above-mentioned requirements will be sought in the context of the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the Assembly and/or the Security Council, to be submitted to the Assembly during its current session.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Programme budget for the biennium 2006-2007

Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

Convention on the Rights of Persons with Disabilities

Programme budget implications of the draft resolution contained in document A/AC.265/2006/L.8/Rev.1

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Introduction

1. At the 21st meeting of its resumed eighth session, on 5 December 2006, the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities decided to recommend to the General Assembly for adoption the draft resolution contained in document A/AC.265/2006/L.8/Rev.1 and the draft Convention on the Rights of Persons with Disabilities contained in document A/AC.265/2006/L.7 and Corr.1. Owing to time constraints, a statement of the programme budget implications of the draft resolution was presented orally to the Committee. The present statement is submitted to provide more detailed information to the General Assembly on the programme budget implications of the decisions of the Ad Hoc Committee.

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II. Requests contained in the draft resolution

2. Under the terms of operative paragraphs 2, 4 and 5 of the draft resolution (A/AC.256/2006/L.8/Rev.1), the General Assembly would:

(a) Adopt the Convention and the Optional Protocol to the Convention, which would be open for signature at United Nations Headquarters in New York as from 30 March 2007;

(b) Request the Secretary-General to provide the staff and facilities necessary for the effective performance of the functions of the Conference of the States Parties and the Committee under the Convention and the Optional Protocol after the entry into force of the Convention, as well as for the dissemination of information on the Convention and the Optional Protocol;

(c) Also request the Secretary-General to implement progressively standards and guidelines for the accessibility of facilities and services of the United Nations system, taking into account relevant provisions of the Convention, in particular when undertaking renovations.

3. It is the Secretary-General's understanding that in the light of these requests, the costs associated with the implementation of the Convention should be met from the regular budget of the United Nations. Consequently, the present statement is submitted outlining the financial implications of the Convention as a whole, if adopted.

III. Activities required under the Convention and requested in the draft resolution

4. Should the Convention and the Optional Protocol be adopted, various activities, as described below, would need to be undertaken upon the entry into force of the Convention, which, in accordance with article 45 of the Convention, is due on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.

A. Conference of the States Parties to the Convention

5. In accordance with article 40 of the Convention, no later than six months after the entry into force of the Convention, the Conference of the States Parties would be convened by the Secretary-General. The subsequent meetings would be convened by the Secretary-General biennially or upon the decision of the Conference of the States Parties. It is the understanding of the Secretary-General, as in accordance with article 42, that the Convention would be open for signature at United Nations Headquarters in New York and the first and subsequent meetings of States parties would be held in New York. Consequently, it is assumed that the first meeting of the States parties would be convened in the second half of 2007 or the first half of 2008, but no later than six months after the date of the entry into force of the Convention.

6. In accordance with article 34 of the Convention, the Committee on the Rights of Persons with Disabilities would be established. It would consist, at the time of entry into force of the Convention, of 12 experts. After an additional 60 ratifications

or accessions to the Convention, the membership of the Committee would increase by 6 members, attaining a maximum number of 18 members. Members of the Committee would be elected by States parties. The initial election of the members of the Committee at meetings of the Conference of the States Parties would be held no later than six months after the date of entry into force of the Convention.

B. Sessions of the Committee

7. While the Committee, in accordance with article 34 of the Convention, would establish its own rules of procedure, it is assumed that it would hold two sessions annually of five days each. The Secretary-General, subject to the entry into force of the Convention and the election of the Committee members, intends to convene the first regular session of the Committee for five days in the second half of 2007 or in the first half of 2008. In accordance with the principle established by the General Assembly in its resolution 40/243 of 18 December 1985, the Committee would meet at the headquarters of its substantive secretariat (Office of the United Nations High Commissioner for Human Rights) in Geneva, which would be reflected in the calendar of conferences for future bienniums.

8. At its first regular session, the Committee would be expected, inter alia, to consider and adopt its rules of procedure, to consider and decide on guidelines to the content of the reports by States parties and to take decisions on matters relevant to the organization of its future work. Travel and subsistence costs would be required to be paid in respect of 12 members of the Committee. Given the requirement that the Committee members reflect a balance of experts with disabilities, it is envisaged that some experts would need to be accompanied by assistants and that sign interpretation would be required at the meetings of the Committee.

C. Processing of the reports submitted by States parties to the Convention

9. Under article 35 of the Convention, States parties would submit to the Committee, through the Secretary-General, reports on measures taken to give effect to its obligations under the Convention and on the progress made in this regard, within two years after the entry into force of the Convention for the State party concerned. Thereafter, States parties would submit subsequent reports at least every four years and further whenever the Committee so requested. Under article 39, the Committee would report every two years to the General Assembly and to the Economic and Social Council on its activities and might make suggestions and general recommendations based on the examination of reports and information received from the States parties.

D. Handling communications from individuals

10. Under article 1 of the Optional Protocol to the Convention, States parties to the Protocol would recognize the competence of the Committee on the Rights of Persons with Disabilities to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State party of the provisions of the Convention. The

Committee would hold closed meetings when examining communications under the Protocol and would forward its suggestions and recommendations, if any, to the State party concerned and to the petitioner. Subject to the entry into force of the Convention, the Optional Protocol would enter into force on the thirtieth day after the deposit of the tenth instrument of ratification or accession.

E. Consideration by the Committee of violations by States parties

11. Under article 6 of the Optional Protocol, if the Committee received reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention, the Committee would invite that State party to cooperate in the examination of the information. The Committee might also designate one or more of its members to conduct an inquiry and to report urgently to the Committee and, where warranted and with the consent of the State party, the inquiry might include a visit to the State party's territory. As mentioned above, subject to the entry into force of the Convention, the Optional Protocol would enter into force on the thirtieth day after the deposit of the tenth instrument of ratification or accession.

F. Accessibility of facilities and services consistent with the Convention

12. It is assumed that measures to ensure accessibility of facilities and services, requested under paragraph 5 of the draft resolution, would include, but not be limited to, the following arrangements with regard to the meetings of the Committee and of the Conference of the States Parties:

(a) Provision of a ramp to provide access to the podium in the conference room;

(b) Provision of sufficient space and conditions in the conference room to enable greater mobility and improved access to desks for wheelchair users;

(c) Provision of a sufficient number of hearing loops;

(d) Provision of closed captioning services in the official languages, when required;

(e) Provision of necessary assistance and seating capacity to sign language interpreters for other languages who might be brought independently by delegations and non-governmental organizations;

(f) Provision of all documentation, statements delivered and other texts under consideration at the meeting in accessible electronic format, including audio format, when possible;

(g) Provision of all official documentation in large text and Braille formats.

13. It is also understood that comprehensive arrangements in accordance with article 9 of the Convention, including standards and guidelines for the accessibility of facilities and services by the United Nations system would be progressively developed, taken account of and implemented by entities of the United Nations system as authorized by their respective governing bodies.

IV. Relationship of the proposed requests to the biennial programme plan and priorities for the period 2006-2007

14. The activities requested in the draft resolution fall under subprogramme 3, Social policy and development, of programme 7, Economic and social affairs, and subprogramme 2, Supporting human rights bodies and organs, of programme 19, Human rights, of the biennial programme plan and priorities for the period 2006-2007.[1] As the activities foreseen in the draft resolution have already been addressed under both programmes, no additional changes would be required should the General Assembly adopt the draft resolution.

V. Resources available within the programme budget for the biennium 2006-2007

15. In the programme budget for the biennium 2006-2007, specific activities and resources with regard to disability were addressed under section 9, Economic and social affairs, and section 23, Human rights.

16. The programme of work related to disability in subprogramme 3, Social policy and development, of budget section 9, Economic and social affairs, includes: (a) servicing of meetings of the General Assembly, the Commission on Social Development and the Ad Hoc Committee; (b) advocacy and capacity-building initiatives, monitoring and reporting on the mandates related to the World Programme of Action concerning Disabled Persons and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities; (c) management of the United Nations Voluntary Fund on Disability and its grants; (d) communications and cooperation with Member States, non-governmental organizations, other United Nations system entities and other partners on disability issues; (e) supporting the work of the Special Rapporteur on disability of the Commission for Social Development; (f) planning and communication around the International Day of Disabled Persons; and (g) production of Braille materials and timely management of the website, meetings, conferences and events. The staff resources allocated to these activities in the programme budget for the biennium 2006-2007 comprise eight posts (1 P-5, 2 P-4, 2 P-3, 1 P-2/1 and 2 General Service (Other level)).

17. It is expected that the existing staff complement under section 9 would continue dealing with activities under the Convention by, inter alia, providing substantive and technical services to the Conference of the States Parties in cooperation with the New York Office of the United Nations High Commissioner for Human Rights (OHCHR); preparing manuals, handbooks and guidelines; and organizing capacity-building activities in support of the ratification and implementation of the Convention.

18. Under section 23, Human rights, of the programme budget for the biennium 2006-2007, the Treaties and Council Branch assigns staffing on an ad hoc basis to meet the needs of the various treaty bodies as and when they arise. In the Research and Right to Development Branch there is one P-4 staff member with thematic

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 6* and corrigendum (A/59/6/Rev.1 and Corr.1).

responsibility for disability issues. However there are no posts dedicated specifically to work on matters relating to the Convention.

VI. Financial impact of the activities required under the draft resolution

19. The additional costs arising from the adoption of the draft resolution are indicated below.

A. Section 23, Human rights

20. In order to provide minimal substantive and technical secretariat services to the States parties and the Committee on the Rights of Persons with Disabilities, three posts (1 P-4, 1 P-3 and 1 General Service (Other level)) would be required, with the related annual costs amounting to approximately $393,500.

21. It is envisaged that the Committee would hold two sessions annually of five days each. While the Committee would initially comprise 12 experts, it is expected that some experts will have physical and sensory disabilities that will require them to travel with assistants. Consequently, the related travel and per diem costs for 12 experts and 12 assistants would amount to $150,400 per session, or $300,800 per annum. It is assumed that the Committee would hold its first session in the second half of 2007 or in 2008.

22. As mentioned in paragraph 11 above, under article 6 of the Optional Protocol, the Committee might designate one or more of its members to conduct an inquiry, which might include a visit to the State party's territory. It is estimated that each visit would be of at least one week's duration and be carried out by three Committee members, accompanied by three assistants, four staff members and four interpreters. It is also assumed that two visits would be carried out in 2009 with the related travel and per diem costs estimated at $61,300 per visit, or $122,600 per annum.

23. In accordance with operative paragraph 5 of the draft resolution, OHCHR would prepare one handbook on the Convention for States, human rights field presences and civil society and one fact sheet on the Convention prior to the entry into force of the Convention, presumably in 2007. The total related cost is estimated at $160,200.

24. Under article 34 of the Convention, with the approval of the General Assembly, the members of the Committee would receive emoluments from the United Nations on such terms and conditions as the Assembly may decide. It is recalled that the General Assembly, in its resolution 56/272 of 27 March 2002, with effect from 6 April 2002 set the level of all existing honorariums at $1 per year per member of the related organs. It is expected that provisions of this resolution would also apply to the Committee on the Rights of Persons with Disabilities, unless decided otherwise by the General Assembly.

25. It is also assumed that dissemination of information on the Convention and the Optional Protocol would be implemented by OHCHR and the Department of Public Information of the Secretariat within their existing capacities.

B. Section 2, General Assembly and Economic and Social Council affairs and conference management

26. It is assumed that the first Conference of the States Parties would be convened for three days in New York in the second part of 2007 or in the first part of 2008, but no later than six months after the date of the entry into force of the Convention. It is estimated that it would require conference services for six meetings (two meetings per day) with interpretation services in all six languages. Documentation requirements are estimated at 100 pages of pre-session, 100 pages of in-session and 100 pages of post-session documentation in six languages and summary records for the three-day session. The related conference services costs of these meetings are estimated at $797,300.

27. It is also assumed that the first regular session of the Committee would be convened for five days in the second half of 2007 or in the first half of 2008 at the United Nations Office at Geneva. It is estimated that the session would require conference services for 10 meetings (2 meetings per day) with interpretation services in all six languages. Documentation requirements are estimated at 700 pages of pre-session, 50 pages of in-session and 750 pages of post-session documentation in six languages and summary records for the five-day session. The provision of sign language interpretation for the five-day session in English, French and Spanish would also be required. The related total costs are estimated (on a full-cost basis) at $1,977,200 per session. It is further understood that there would be two sessions per year in 2008 and 2009.

28. As there is a need for the provision of selected documents in Braille to the Conference of the States Parties and to the Committee, the related requirements are estimated at $6,400 per session.

C. Section 28, Management and support services

29. The central support services requirements in connection with conference servicing, including provision of sound technicians, clerical support, etc., are estimated at $3,200 for the Conference of the States Parties under section 28D, Office of Central Support Services, and $3,200 per session of the Committee under section 28E, Administration, Geneva, respectively, of the programme budget.

30. It is also estimated that arrangements to ensure accessibility of facilities and services with regard to the meetings of the Committee and of the Conference of the States Parties, as indicated in paragraph 12 above, would be met from within existing resources in accordance with General Assembly decision 56/474 of 23 July 2002.

31. As regards the request in paragraph 5 of the draft resolution to implement progressively standards and guidelines for the accessibility of facilities and services by the United Nations system, bearing in mind the relevant provisions of the Convention, the related requirements would be taken into account during further consideration of the renovation of the United Nations Headquarters facilities under the Capital Master Plan. It is assumed that other entities of the United Nations system would present related budget requirements for consideration by their respective governing bodies.

32. The details of the requirements are contained in annexes I and II to the present statement. Provided below under the two possible scenarios of the first meeting being held in 2007 or 2008, are the estimated costs (in United States dollars) relating to implementation of the provisions of the draft resolution:

First meeting in 2007	*2007*	*2008*	*2009*	*2008-2009*
Section 2, General Assembly and Economic and Social Council affairs and conference management	2 787 300	3 967 200	4 770 900	8 738 100
Section 23, Human rights (staff costs, travel requirements for representatives, staff and documents)	507 300	694 300	816 900	1 511 200
Section 28D, Office of Central Support Services	3 200	—	3 200	3 200
Section 28E, Administration, Geneva	3 200	6 400	6 400	12 800
Total	**3 301 000**	**4 667 900**	**5 597 400**	**10 265 300**

First meeting in 2008	*2007*	*2008*	*2009*	*2008-2009*
Section 2, General Assembly and Economic and Social Council affairs and conference management	—	4 770 900	3 967 200	8 738 100
Section 23, Human rights (staff costs, travel requirements for representatives, staff and documents)	—	657 700	620 100	1 277 800
Section 28D, Office of Central Support Services	—	3 200	—	3 200
Section 28E, Administration, Geneva	—	6 400	6 400	12 800
Total	**—**	**5 438 200**	**4 593 700**	**10 031 900**

VII. Potential for absorption

33. Should the Convention enter into force in 2007 and the Conference and the Committee meet in 2007, additional requirements for the programme budget for the biennium 2006-2007 would amount to $3,301,000, including $2,787,300 under section 2, General Assembly and Economic and Social Council Affairs and conference management, $507,300 under section 23, Human rights, $3,200 under section 28D, Office of Central Support Services, and $3,200 under section 28E, Administration, Geneva, of the programme budget for the biennium 2006-2007 (see annex I).

34. Should the Convention enter into force in late 2007 and the Conference of the States Parties and sessions of the Committee commence meeting in 2008, additional

resources of $10,031,900 would be considered in the context of the proposed programme budget for the biennium 2008-2009 (see annex II).

35. Provision has already been made under section 2 of the programme budget for the biennium 2006-2007 in the amount of $1,462,600 for servicing two annual sessions of the Ad Hoc Committee and two annual meetings of the pre-sessional working groups in 2007. Accordingly, the net additional conference servicing requirements in 2007 related to the Convention would amount to $1,324,700. In addition, should the Convention enter into force and the Conference of the States Parties and the first session of the Committee on the Rights of Persons with Disabilities be held in 2007, the Secretariat would revert to the General Assembly on meeting the conference servicing requirements in accordance with established procedures. It is envisaged that to the fullest extent possible the estimated expenditures attributable to implementation of the proposed activities under section 23, Human rights ($507,300) and section 28, Management and support services ($6,400) would be met from within existing resources. Any additional expenditures would be reported accordingly in the context of the second performance report for the biennium 2006-2007.

VIII. Summary

36. **Should draft resolution A/AC.265/2006/L.8/Rev.1 be adopted by the General Assembly, no immediate financial implications would arise. Additional provisions of $10,031,900 would be requested in the context of the proposed programme budget for the biennium 2008-2009. Further, should the Convention enter into force and the Conference of the States Parties and the first session of the Committee on the Rights of Persons with Disabilities be held in 2007, the Secretariat would revert to the General Assembly on meeting the conference servicing requirements in accordance with established procedures.**

37. **Further, it is envisaged that, to the fullest extent possible for the biennium 2006-2007, the estimated expenditures attributable to implementation of the proposed activities under section 23, Human rights ($507,300) and section 28, Management and support services ($6,400) would be met from within existing resources. Any additional expenditures would be reported accordingly in the context of the second performance report for the biennium 2006-2007.**

Annex I

Conference of the States Parties and the Committee start meeting in 2007

(United States dollars)

	2007	2008	2009	2008-2009
Section 23, Human rights				
Committee on the Rights of Persons with Disabilities				
Travel of members and assistants to regular sessions	150 400	300 800	300 800	601 600
Country visits by members and assistants under the Optional Protocol			122 600	122 600
Subtotal	**150 400**	**300 800**	**423 400**	**724 200**
Committee's secretariat				
New posts (1 P-4, 1 P-3 and 1 General Service (Other level))	196 700	393 500	393 500	787 000
Preparation of the handbook on the Convention and one fact sheet	160 200			160 200
Subtotal	**356 900**	**393 500**	**393 500**	**947 200**
Total, section 23	**507 300**	**694 300**	**816 900**	**1 671 400**
Section 2, General Assembly and Economic and Social Council affairs and conference management				
Conference of the States Parties (New York)	797 300		797 300	797 300
Regular sessions of the Committee	1 977 200	3 954 400	3 954 400	7 908 800
Provision of selected documents in Braille to the Conference and to the Committee	12 800	12 800	19 200	32 000
Total, section 2	**2 787 300**	**3 967 200**	**4 770 900**	**8 738 100**
Section 28, Management and support services				
Section 28D, Office of Central Support Services	3 200		3 200	3 200
Section 28E, Administration, Geneva	3 200	6 400	6 400	12 800
Total, section 28	**6 400**	**6 400**	**9 600**	**16 000**
Grand total	**3 301 000**	**4 667 900**	**5 597 400**	**10 265 300**

Annex II

Conference of the States Parties and the Committee start meeting in 2008

(United States dollars)

	2008	*2009*	*2008-2009*
Section 23, Human rights			
Committee on the Rights of Persons with Disabilities			
Travel of members and assistants to regular sessions	300 800	300 800	601 600
Country visits by members and assistants under the Optional Protocol		122 600	122 600
Subtotal	**300 800**	**423 400**	**724 200**
Committee's secretariat			
New posts (1 P-4, 1 P-3 and 1 General Service (Other level))	196 700	196 700	393 400
Preparation of the handbook on the Convention and one fact sheet	160 200		160 200
Subtotal	**356 900**	**196 700**	**553 600**
Total, section 23	**657 700**	**620 100**	**1 277 800**
Section 2, General Assembly and Economic and Social Council affairs and conference management			
Conference of the States Parties (New York)	797 300		797 300
Regular sessions of the Committee	3 954 400	3 954 400	7 908 800
Provision of selected documents in Braille to the Conference and to the Committee	19 200	12 800	32 000
Total, section 2	**4 770 900**	**3 967 200**	**8 738 100**
Section 28, Management and support services			
Section 28D, Office of Central Support Services	3 200		3 200
Section 28E, Administration, Geneva	6 400	6 400	12 800
Total, section 28	**9 600**	**6 400**	**16 000**
Grand total	**5 438 200**	**4 593 700**	**10 031 900**

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Programme budget for the biennium 2006-2007

Oceans and the law of the sea

Oceans and the law of the sea

Programme budget implications of draft resolution A/61/L.30

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Requests contained in the draft resolution

1. Under the terms of operative paragraphs 22, 45, 91 and 120 of draft resolution A/61/L.30, the General Assembly would:

(a) Request the Secretary-General to convene the seventeenth Meeting of States Parties to the United Nations Convention on the Law of the Sea in New York on 14 and from 18 to 22 June 2007, bearing in mind that the current term of office of the members of the Commission on the Limits of the Continental Shelf expires on 15 June 2007, and to provide the services required;

(b) Approve the convening by the Secretary-General of the nineteenth and twentieth session of the Commission in New York from 5 March to 13 April 2007 and from 20 August to 7 September 2007, respectively, on the understanding that the following periods will be used for the technical examination of submissions at the Geographic Information System laboratories and other technical facilities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs: 5 to 23 March 2007, 9 to 13 April 2007, 20 to 24 August 2007, and 4 to 7 September 2007;

(c) Take note of the report of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, and request the Secretary-General to reconvene, in accordance with paragraph 73 of resolution 59/24, and with full conference services, a meeting of the Working Group in 2008;

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(d) Request the Secretary-General to convene the eighth meeting of the Consultative Process in New York from 25 to 29 June 2007 to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division, in cooperation with other relevant parts of the Secretariat, as appropriate.

II. Relationship of the requests to the programme of work for the biennium 2006-2007

2. The activities referred to above relate to programme 1, General Assembly and Economic and Social Council affairs and conference management, and subprogramme 4, Support services, of programme 24, Management and support services, of the biennial programme plan for the period 2006-2007.[1] They fall under section 2, General Assembly and Economic and Social Council affairs and conference management, and section 28D, Office of Central Support Services, of the programme budget for biennium 2006-2007.

III. Activities by which the requests would be implemented

3. The meetings of the States Parties to the Convention and the Consultative Process requested in operative paragraphs 22 and 120 of the draft resolution, respectively, have already been included in the calendar of meetings and conferences for 2007.

4. With regard to operative paragraph 45 of the draft resolution, the nineteenth and twentieth sessions of the Commission, from 26 to 30 March 2007 and from 27 to 31 August 2007, respectively, have also been included in the calendar of meetings and conferences for 2007. However, the extension of the nineteenth session by four days, from 2 to 5 April 2007, would constitute an addition to the calendar and consist of eight additional meetings with simultaneous interpretation in all official languages.

5. It is envisaged that the Ad Hoc Open-ended Working Group would meet, as requested in operative paragraph 91, for five days in New York in 2008, for a total of 10 meetings with interpretation services in all official languages and the required pre-session, in-session and post-session documentation in all languages.

IV. Additional requirements for the biennium 2006-2007

6. Should the General Assembly adopt draft resolution A/61/L.30, no additional resources would be required for those meetings described above, which have already been included in the calendar of meetings and conferences for 2007.

7. The conference-servicing requirements, at full cost, for the four-day extension of the nineteenth session of the Commission, pursuant to operative paragraph 45 of the draft resolution, would amount to $108,100 under section 2, General Assembly

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 6* and corrigendum (A/59/6/Rev.1).

and Economic and Social Council affairs and conference management ($92,100), and section 28D, Office of Central Support Services ($16,000), of the programme budget for the biennium 2006-2007.

8. The requirements for servicing the Ad Hoc Open-ended Working Group in 2008 are estimated at $264,300 under section 2, and $20,100 under section 28D. These requirements would be considered in the context of the proposed programme budget for the biennium 2008-2009.

V. Potential for absorption

9. The extension of the nineteenth session of the Commission would constitute an addition to the calendar of meetings and conferences for 2007. Every effort would be made to meet the additional requirements described in paragraph 7 above within the current appropriation, and any additional requirement would be reported in the context of the second performance report for the biennium 2006-2007.

VI. Summary

10. **Should the General Assembly adopt draft resolution A/61/L.30, additional resources totalling $108,100 would be required under section 2, General Assembly and Economic and Social Council affairs and conference management ($92,100), and section 28D, Office of Central Support Services ($16,000), of the programme budget for the biennium 2006-2007.**

11. **It is envisaged that the additional requirements would be accommodated from within the appropriation for sections 2 and 28D. Accordingly, no additional appropriation is sought over and above the level of funding approved in the programme budget for the biennium 2006-2007. Should the actual requirements for implementing the provisions of the draft resolution exceed the absorptive capacity of the aforementioned sections, the additional requirements would be reported in the context of the second performance report for the biennium 2006-2007.**